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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. **2012-490**
ACCUSATION

12 **JOAN KAREN BRUSSEE**
13 **A.K.A. JOAN KAREN PAAUW**
14 **1083 Arkell Road**
Walnut Creek, CA 94598

15 **Registered Nurse License No. 374531**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about August 31, 1984, the Board issued Registered Nurse License Number
23 374531 to Joan Karen Brussee, AKA Joan Karen Paauw (Respondent). The license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Business and Professions Code (Code) section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Code section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. Code section 2762 states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • •

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.”

3 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.”

8 COST RECOVERY

9 9. Code section 125.3 provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FIRST CAUSE FOR DISCIPLINE

14 (Criminal Conviction)

15 10. Respondent is subject to disciplinary action under Code sections 2761(a), 2761(f),
16 2762(c), and/or 490 in that on or about April 4, 2011, in Contra Costa County Superior Court,
17 Case Number 01-152331-5, Respondent was convicted of having violated Vehicle Code section
18 23152(b) (driving with a blood alcohol level of .08 percent or higher). Respondent was sentenced
19 to serve 31 days jail time and probation for three years, and ordered to pay fines in the amount of
20 \$1,706.00. The conviction arose from Respondent’s arrest on or about October 7, 2010, after she
21 crashed her vehicle into a home at the intersection of Treat Boulevard and Bethany Lane in
22 Concord, California. Respondent’s blood alcohol level was measured at .27 percent.

23 SECOND CAUSE FOR DISCIPLINE

24 (Dangerous/Injurious Use of Alcohol)

25 11. Respondent is subject to disciplinary action under Code sections 2761(a) and/or
26 2762(b) in that on or about October 7, 2010, she used alcohol in a manner dangerous or injurious
27 to herself or others, as described in paragraph 10, above.

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1. Revoking or suspending Registered Nurse License Number 374531, issued to Joan Karen Brussee, AKA Joan Karen Paauw;

3. Taking such other and further action as deemed necessary and proper.

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